

EXHIBIT 13

CONTAINS CONFIDENTIAL AND ATTORNEYS' EYES ONLY PORTIONS

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 AUSTIN FENNER and IKIMULISA)
LIVINGSTON,)

5 Plaintiffs,)

6 vs.) 09CIV9832
) (BSJ(RLE)

7 NEWS CORPORATION, NYP HOLDINGS,)
8 INC., d/b/a THE NEW YORK POST,)
and DAN GREENFIELD and MICHELLE)
9 GOTTHELF,)

10 Defendants.)
-----)

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12
13 (CONTAINS CONFIDENTIAL and
14 ATTORNEYS' EYES ONLY PORTIONS)

15
16 VIDEOTAPED DEPOSITION OF DAN GREENFIELD
17 New York, New York
18 Thursday, April 5, 2012
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20
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22

23 Reported by:
24 Philip Rizzuti
25 JOB NO. 47782

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<p>1 Greenfield</p> <p>2 Q. In an APA?</p> <p>3 A. You know I don't know because I</p> <p>4 know that there is a committee and there is a</p> <p>5 number of voices. So I don't know if that is</p> <p>6 the case.</p> <p>7 Q. I want to ask you, focus your</p> <p>8 attention on Austin Fenner. Did you have a</p> <p>9 role in his hiring at the New York Post?</p> <p>10 A. I did not.</p> <p>11 Q. Do you know who interviewed Austin</p> <p>12 Fenner for a position at the New York Post?</p> <p>13 A. I do know, I don't know if this is</p> <p>14 exclusive, I know Dan Callaruso did.</p> <p>15 Q. Who is Dan Callaruso?</p> <p>16 A. Dan Callaruso used to be the</p> <p>17 metropolitan editor of the New York Post.</p> <p>18 Q. Was he the metropolitan editor of</p> <p>19 the New York Post before Michelle Gotthelf?</p> <p>20 A. Yes, he was.</p> <p>21 Q. Do you know anyone else who</p> <p>22 participated in the decision to hire</p> <p>23 Mr. Fenner?</p> <p>24 A. I don't.</p> <p>25 Q. What position was Mr. Fenner hired</p>	<p>1 Greenfield</p> <p>2 to fill at the New York Post?</p> <p>3 A. He was a reporter.</p> <p>4 Q. What type of reporter was he hired</p> <p>5 to -- what role was he hired to play as a</p> <p>6 reporter at the New York Post when he was</p> <p>7 first hired?</p> <p>8 A. He was hired to -- he was very</p> <p>9 highly paid. He was brought in to break</p> <p>10 enterprise stories. Do investigations. He</p> <p>11 was brought in to -- a lot of sources, break</p> <p>12 exclusive. He was supposed to be able to do</p> <p>13 rewrite. He was hired to be -- to do all of</p> <p>14 those things. Very high level.</p> <p>15 Q. What was Mr. Fenner's last</p> <p>16 position at the newspaper?</p> <p>17 A. He was a reporter.</p> <p>18 Q. Was he an enterprise reporter or a</p> <p>19 runner?</p> <p>20 A. He was a -- in both cases he was a</p> <p>21 general -- a general assignment reporter.</p> <p>22 Q. Was he hired to be a field</p> <p>23 reporter?</p> <p>24 A. He was hired to be a reporter I</p> <p>25 believe, you know -- I don't know -- I think</p>
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<p>1 Greenfield</p> <p>2 there was -- that he was going to be doing</p> <p>3 some travel, that sort of thing. And doing</p> <p>4 some reporting from the field, yes.</p> <p>5 Q. Was he hired to work in the field</p> <p>6 as a reporter the way Kim Livingston is</p> <p>7 currently working in the field as a reporter?</p> <p>8 MR. LERNER: Objection.</p> <p>9 A. He was hired to be a, you know, a</p> <p>10 big time reporter, but he was initially based</p> <p>11 in the news room at 1211.</p> <p>12 Q. Did there come a time when there</p> <p>13 was a change in terms of how often Mr. Fenner</p> <p>14 was in the news room at The Post?</p> <p>15 A. Did there come a time when there</p> <p>16 was a change?</p> <p>17 Q. Yes.</p> <p>18 A. By the end of his tenure a couple</p> <p>19 of years later, by that time he had been</p> <p>20 reassigned to do more field work.</p> <p>21 Q. Who reassigned him to do more</p> <p>22 field work?</p> <p>23 A. Michelle Gotthelf.</p> <p>24 Q. Did you have any role in his</p> <p>25 reassignment to do more field work?</p>	<p>1 Greenfield</p> <p>2 A. Yes and no. By the time I became</p> <p>3 the deputy metro editor he had already been</p> <p>4 doing a lot of that. I mean it was kind of a</p> <p>5 progression. But I am sorry, your original</p> <p>6 question, I am sorry, what was the question.</p> <p>7 Q. You need the question read back</p> <p>8 again?</p> <p>9 A. Please.</p> <p>10 (Record read.)</p> <p>11 A. Yes, he had already been doing a</p> <p>12 lot of field work --</p> <p>13 Q. Move to strike. Can you just</p> <p>14 answer that question. I didn't ask you</p> <p>15 whether he had been doing field work. I asked</p> <p>16 you whether you had any role in his</p> <p>17 reassignment to do field work?</p> <p>18 A. Well I thought I was answering the</p> <p>19 question.</p> <p>20 RG Q. Okay. Please mark this one for a</p> <p>21 ruling from the court.</p> <p>22 Mr. Greenfield, do you not</p> <p>23 understand the questions that I am asking you?</p> <p>24 A. No, I think context is important.</p> <p>25 Q. Well it is not about context, you</p>

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<p>1 Greenfield</p> <p>2 asked him if he understood the question.</p> <p>3 MR. LERNER: I don't believe I</p> <p>4 interrupted him.</p> <p>5 MR. THOMPSON: You did, he was</p> <p>6 about to answer, Mr. Lerner, you should</p> <p>7 not do that.</p> <p>8 MR. LERNER: I just heard a</p> <p>9 question I --</p> <p>10 MR. THOMPSON: Please stop that</p> <p>11 improper conduct.</p> <p>12 Q. Mr. Greenfield, I want to ask</p> <p>13 you -- what is that Ms. Lovinger, during this</p> <p>14 dep you just asked the question out loud;</p> <p>15 let's go off the record.</p> <p>16 MS. LOVINGER: I didn't ask a</p> <p>17 question out loud. You are not going to</p> <p>18 bully me.</p> <p>19 MR. THOMPSON: No, I am not trying</p> <p>20 to bully you. You have to be</p> <p>21 professional Ms. Lovinger.</p> <p>22 MS. LOVINGER: So do you.</p> <p>23 MR. THOMPSON: Okay, I am. I am</p> <p>24 trying to finish this deposition and it</p> <p>25 is improper for you to ask the</p>	<p>1 Greenfield</p> <p>2 videographer a question out loud in the</p> <p>3 middle of the deposition. Please don't</p> <p>4 do that.</p> <p>5 Are we back?</p> <p>6 THE VIDEOGRAPHER: I didn't go</p> <p>7 off.</p> <p>8 MR. THOMPSON: Okay good, I want</p> <p>9 that on the record.</p> <p>10 Q. Mr. Greenfield, did there come a</p> <p>11 time when Austin Fenner was terminated?</p> <p>12 A. Yes, there was.</p> <p>13 Q. Who made the decision to terminate</p> <p>14 his employment?</p> <p>15 A. Michelle Gotthelf made the</p> <p>16 determination in consultation with myself, HR.</p> <p>17 Q. Do you know if Ms. Gotthelf</p> <p>18 consulted with Col Allan regarding the</p> <p>19 decision to terminate Austin Fenner's</p> <p>20 employment?</p> <p>21 A. I don't know.</p> <p>22 Q. Did you ever ask her whether she</p> <p>23 spoke to Col Allan about that?</p> <p>24 A. I don't recall.</p> <p>25 Q. Were you present when Mr. Fenner</p>
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<p>1 Greenfield</p> <p>2 was terminated?</p> <p>3 A. I was.</p> <p>4 Q. What did Mr. Fenner say in the</p> <p>5 termination meeting?</p> <p>6 A. He said nothing.</p> <p>7 Q. How long did the termination</p> <p>8 meeting last?</p> <p>9 A. Maybe ten minutes.</p> <p>10 Q. I am showing you now what is</p> <p>11 marked as Greenfield Deposition Exhibit 15,</p> <p>12 Bates stamped NYP-FL 179. Please tell us if</p> <p>13 you recognize it.</p> <p>14 (Greenfield Exhibit 15, Bates</p> <p>15 stamped NYP-FL 179, marked for</p> <p>16 identification, as of this date.)</p> <p>17 Q. Do you recognize that exhibit</p> <p>18 Mr. Greenfield?</p> <p>19 A. Yes, I do.</p> <p>20 Q. What is it?</p> <p>21 A. It is a written warning.</p> <p>22 Q. And it is dated August 6, 2009; is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. It is a written warning that was</p>	<p>1 Greenfield</p> <p>2 given to Ikimulisa Livingston by Michelle</p> <p>3 Gotthelf; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And this was a written warning</p> <p>6 that was given to her because it alleges that</p> <p>7 she did not pitch stories, investigative</p> <p>8 ideas, or weekend pieces suitable for the</p> <p>9 paper; correct?</p> <p>10 A. Let me read the whole thing, I</p> <p>11 want to make sure I read everything.</p> <p>12 Okay, I do -- yes, your question?</p> <p>13 Q. So Ms. Livingston was given a</p> <p>14 written warning solely because she was accused</p> <p>15 of not pitching stories, investigative ideas,</p> <p>16 or weekend pieces suitable for the paper;</p> <p>17 right?</p> <p>18 A. I didn't draft this --</p> <p>19 Q. I am not asking you whether you</p> <p>20 drafted it Mr. Greenfield, I want you to</p> <p>21 answer my question.</p> <p>22 A. Well it says here that the editors</p> <p>23 discussed with you these issues that need to</p> <p>24 be focussed on and improved upon, but it is</p> <p>25 not exclusive.</p>